

Assembly Bill No. 2219

CHAPTER 681

An act to amend Sections 9031 and 9115 of the Elections Code, relating to elections.

[Approved by Governor September 27, 2014. Filed with
Secretary of State September 27, 2014.]

LEGISLATIVE COUNSEL'S DIGEST

AB 2219, Fong. Initiative and referendum petitions: verification of signatures.

Existing law requires local elections officials to perform various duties with respect to statewide initiative and referendum petitions, including determining the total number of signatures affixed to the petitions, transmitting that information to the Secretary of State, and performing a random sampling technique for verification of signatures on specified petitions. If the sampling shows that the number of valid signatures is within 95 to 110% of the number of signatures of qualified voters needed to declare the petition sufficient, existing law requires election officials or the registrar of voters to examine and verify each signature filed.

This bill would require the elections official or registrar of voters during the examination of the signatures to submit one or more reports to the Secretary of State showing the number of signatures that have been verified as of that date. The bill would require the Secretary of State to maintain a list indicating the number of verified signatures based on the most recent reports and, if the Secretary of State determines that based on the list the petition is signed by the requisite number of voters, the bill would require the Secretary of State to notify the elections official or registrar of every county or city and county of that fact. After receipt of the notification that the petition has obtained the requisite number of verified signatures, this bill would require the elections official or registrar of voters to immediately transmit to the Secretary of State the petition and an amended certificate showing the results of the examination and would permit the elections official or registrar to suspend the signature verification until the Secretary of State transmits a certificate to terminate the verification or provides other instructions.

Existing law prescribes the procedure for determining the total number of valid signatures affixed to a county initiative petition and requires the county elections official, if the initiative petition contains more than 500 signatures, to verify signatures using a random sampling method. If the sampling shows the petition contains 95 to 110% of the number of valid signatures to qualify the petition, the county elections official is required to verify each signature filed.

This bill would permit the elections official to terminate the verification of the remaining unverified signatures if he or she determines, prior to completing the examination of each signature filed, that the petition is signed by the requisite number of qualified voters to declare the petition sufficient.

This bill would incorporate additional changes to Section 9031 of the Elections Code proposed by SB 1253 that would become operative only if SB 1253 and this bill are both chaptered and become effective on or before January 1, 2015, and this bill is chaptered last.

By increasing the duties of the local elections officials and registrars of voters, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

The people of the State of California do enact as follows:

SECTION 1. Section 9031 of the Elections Code is amended to read:

9031. (a) If the statistical sampling shows that the number of valid signatures is within 95 to 110 percent of the number of signatures of qualified voters needed to declare the petition sufficient, the Secretary of State shall order the examination and verification of the signatures filed, and shall so notify the elections officials.

(b) Within 30 days, excluding Saturdays, Sundays, and holidays, after receipt of the order, the elections official or registrar of voters shall determine from the records of registration what number of qualified voters have signed the petition and if necessary the board of supervisors shall allow the elections official or registrar additional assistance for the purpose of examining the petition and provide for their compensation. In determining from the records of registration what number of qualified voters have signed the petition, the elections official or registrar of voters may use any file or list of registered voters maintained by his or her office, or the facsimiles of voters' signatures, provided that the method of preparing and displaying the facsimiles complies with law.

(c) (1) During the examination and verification of the signatures filed, the elections official or registrar of voters shall submit one or more reports to the Secretary of State showing the number of signatures of qualified voters that have been verified as of that date. The Secretary of State shall determine the number of reports required to be submitted and the manner of their submission.

(2) The Secretary of State shall maintain a list indicating the number of verified signatures of qualified voters who have signed the petition based on the most recent reports submitted pursuant to paragraph (1). If the Secretary of State determines, prior to each county's completing the

examination of each signature filed, that based on the list the petition is signed by the requisite number of voters needed to declare the petition sufficient, the Secretary of State shall immediately notify the elections official or registrar of voters of every county or city and county in the state of this fact. Immediately after receipt of this notification, the elections official or registrar of voters may suspend signature verification until receipt of a certificate pursuant to Section 9033 or until otherwise instructed by the Secretary of State.

(d) The elections official or registrar, upon the completion of the examination or notification pursuant to paragraph (2) of subdivision (c), shall immediately attach to the petition, except the signatures thereto appended, an amended certificate properly dated, showing the result of the examination and shall immediately transmit the petition, together with the amended certificate, to the Secretary of State. A copy of the amended certificate shall be filed in the elections official's office.

(e) If the amended certificates establish the petition's sufficiency, the petition shall be deemed to be filed as of the date of receipt by the Secretary of State of certificates showing the petition to be signed by the requisite number of voters of the state.

(f) If the amended certificates received from all elections officials by the Secretary of State establish that the petition has still been found insufficient, the Secretary of State shall immediately so notify the proponents and the elections officials.

SEC. 1.5. Section 9031 of the Elections Code is amended to read:

9031. (a) If the statistical sampling shows that the number of valid signatures is within 95 to 110 percent of the number of signatures of qualified voters needed to declare the petition sufficient, the Secretary of State shall order the examination and verification of the signatures filed, and shall so notify the elections officials.

(b) Within 30 days, excluding Saturdays, Sundays, and holidays, after receipt of the order, the elections official or registrar of voters shall determine from the records of registration what number of qualified voters have signed the petition and if necessary the board of supervisors shall allow the elections official or registrar additional assistance for the purpose of examining the petition and provide for their compensation. In determining from the records of registration what number of qualified voters have signed the petition, the elections official or registrar of voters may use any file or list of registered voters maintained by his or her office, or the facsimiles of voters' signatures, provided that the method of preparing and displaying the facsimiles complies with law.

(c) (1) During the examination and verification of the signatures filed, the elections official or registrar of voters shall submit one or more reports to the Secretary of State showing the number of signatures of qualified voters that have been verified as of that date. The Secretary of State shall determine the number of reports required to be submitted and the manner of their submission.

(2) The Secretary of State shall maintain a list indicating the number of verified signatures of qualified voters who have signed the petition based on the most recent reports submitted pursuant to paragraph (1). If the Secretary of State determines, prior to each county's completing the examination of each signature filed, that based on the list the petition is signed by the requisite number of voters needed to declare the petition sufficient, the Secretary of State shall immediately notify the elections official or registrar of voters of every county or city and county in the state of this fact. Immediately after receipt of this notification, the elections official or registrar of voters may suspend signature verification until receipt of a certificate pursuant to Section 9033 or until otherwise instructed by the Secretary of State.

(d) The elections official or registrar, upon the completion of the examination or notification pursuant to paragraph (2) of subdivision (c), shall immediately attach to the petition, except the signatures thereto appended, an amended certificate properly dated, showing the result of the examination and shall immediately transmit the petition, together with the amended certificate, to the Secretary of State. A copy of the amended certificate shall be filed in the elections official's office.

(e) If the amended certificates establish the petition's sufficiency, the Secretary of State shall certify that the measure is qualified for the ballot as provided in Section 9033.

(f) If the amended certificates received from all elections officials by the Secretary of State establish that the petition has still been found insufficient, the Secretary of State shall immediately so notify the proponents and the elections officials.

SEC. 2. Section 9115 of the Elections Code is amended to read:

9115. (a) Within 30 days from the date of filing of the petition, excluding Saturdays, Sundays, and holidays, if, from the examination of petitions pursuant to Section 9114 shows that more than 500 signatures have been signed on the petition, the elections official may use a random sampling technique for verification of signatures. The random sample of signatures to be verified shall be drawn so that every signature filed with the elections official shall be given an equal opportunity to be included in the sample. The random sampling shall include an examination of at least 500, or 3 percent of the signatures, whichever is greater.

(b) If the statistical sampling shows that the number of valid signatures is within 95 to 110 percent of the number of signatures of qualified voters needed to declare the petition sufficient, the elections official shall, within 60 days from the date of the filing of the petition, excluding Saturdays, Sundays, and holidays, examine and verify the signatures filed. If the elections official determines, prior to completing the examination of each signature filed, that the petition is signed by the requisite number of qualified voters to declare the petition sufficient, the elections official may terminate the verification of the remaining unverified signatures.

(c) In determining from the records of registration, what number of valid signatures are signed on the petition, the elections official may use the

duplicate file of affidavits maintained, or may check the signatures against facsimiles of voters' signatures, provided that the method of preparing and displaying the facsimiles complies with law.

(d) The elections official shall attach to the petition a certificate showing the result of this examination and shall notify the proponents of either the sufficiency or insufficiency of the petition.

(e) If the petition is found insufficient, no action shall be taken on the petition. However, the failure to secure sufficient signatures shall not preclude the filing later of an entirely new petition to the same effect.

(f) If the petition is found to be sufficient, the elections official shall certify the results of the examination to the board of supervisors at the next regular meeting of the board.

SEC. 3. Section 1.5 of this bill incorporates amendments to Section 9031 of the Elections Code proposed by both this bill and Senate Bill 1253. It shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2015, (2) each bill amends Section 9031 of the Elections Code, and (3) this bill is enacted after Senate Bill 1253, in which case Section 1 of this bill shall not become operative.

SEC. 4. If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.